



# Focus

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## Oil Spill Contingency Plans Rule Update

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The Department of Ecology is proposing to amend the rules governing oil spill contingency plans. Chapter 173-181 Washington Administrative Code (WAC), *Facility Contingency Plan and Response Contractor Standards*, and Chapter 317-10 WAC, *Vessel Contingency Plan and Response Contractor Standards*, took effect in 1991. These regulations help ensure that everyone involved in transporting oil is ready and equipped to respond immediately if a ship, barge, refinery, pipeline or other oil-handling facility spills oil into Washington's waters.

The rule is being amended to improve the state of readiness in Washington for large and small oil spills, to simplify the requirements for spill response contractors and plan-holders wherever possible and, in some areas, to make the rules more consistent with federal laws and standards. The proposed rule amendment will combine the two existing rules into one, covering both vessels and oil-handling facilities.

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### Making Response More Efficient and Simplifying Planning

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*What are Planning Standards? In Washington, planning standards for spill response are used to determine whether the right response equipment and people are staged strategically so they can respond in a timely way to spills of all sizes in all of Washington's diverse environmental conditions.*

The existing rules were written almost a decade ago, shortly after the disastrous *Exxon Valdez* spill in Alaska and the oil-barge *Nestucca* spill near Grays Harbor. At that time, the standards for equipment, response time, and other planning considerations relied on general descriptive language rather than specifics. Since then, considerable knowledge and experience in spill response have been gained in Washington. This knowledge and experience should now be incorporated into the amended regulations.

For example, the rule amendment could enhance the effectiveness of the Northwest Area Contingency Plan. This plan was developed after the contingency plan rules were adopted. State and federal emergency responders in Washington, Oregon, and Idaho use the area plan. The amendment could also incorporate the Geographic Response Plans (GRPs) developed over the last few years into the planning standards. The GRPs identify many environmentally sensitive areas that are at risk from oil spills, and designate the best ways to protect these areas in the event of a spill threat. Using this information, plan-holders can better match up key cleanup resources with the environmental areas at greatest risk.

The amended rules could also acknowledge and encourage use of the Incident Command System (ICS) in response to actual oil spills and as practiced by planholders during spill exercises. This system had not yet been established in Washington at the time the rules were written. It is a valuable tool that allows federal, state, local and private resources to work smoothly together when responding to spills.

## The Need for Consistency

As currently written, Washington's rules are not consistent in all cases with standards established by federal laws and guidance. This is especially true with regard to the U.S. Coast Guard's Oil Spill Response Organization (OSRO) standards. OSROs are the organizations used by the shipping and oil industries to respond to and clean up oil spills. The federal standards were developed after Washington's rules took effect in 1991.

Throughout this proposed rule amendment process, the Oregon Department of Environmental Quality will participate to ensure that regulations affecting interstate traffic on the Columbia River between our two states remain consistent.

## How Can I Be Involved in the Rule Amendment Process?

Ecology will actively seek ideas for issues that need to be addressed in the rule revision. The information received will be compiled into issue papers to be presented at a series of workshops. In addition, once draft rule language is written, Ecology will sponsor workshops and hearings to present the proposed changes to the public. If you would like to be notified of the public involvement opportunities or wish more information, please contact:

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Ecology will also be maintaining an electronic distribution list for information on the rule amendment process. If you wish to add your name to the electronic list, send a request via e-mail to Roy Robertson at the address above.

Information about this rule amendment process and a form for proposing issues to be addressed will also be available on Ecology's Web site, at <http://www.wa.gov/ecology/spills/spills.html>.

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### **Is This Part of the North Puget Sound Risk Management Study?**

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No. The North Puget Sound Risk Management Study is a separate project, examining possible vessel spill-prevention measures in the Strait of Juan de Fuca and in north Puget Sound. Recommendations from that process, however, may also result in changes to Ch. 317-10 WAC, which would take place before the possible changes described in this Focus sheet. For more information on the risk management study, contact Jon Neel at (360) 407-6905, e-mail: <mailto:jnee461@ecy.wa.gov>.

*Ecology is an equal-opportunity agency. If you have special accommodation needs, contact Mariann Cook Andrews at (360) 407-7211 (voice) or (360) 407-6006 (TDD).*



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